



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2106784
Applicant Name: Gordon Fleener for Carter Motors
Address of Proposal: 5202 Leary Avenue NW.

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 2-story addition to an existing building (Carter Motors) for a total of 30,800 square feet. Project includes addition to and reconfiguration of existing parking to provide a total of 12 parking spaces.

The following approval is required:

SEPA - Environmental Determination - (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The proposal site is located mid-block between Leary Avenue NW and Russell Avenue NW and is split-zoned, with Lot 9, which faces Russell Avenue NW, being zoned MR and the balance of several lots facing Leary Avenue NW being zoned IB-U/45. The City has determined that Lot 9 should be recognized as legally established for parking accessory to automotive retail sales and service use.

The topography of the site is nearly flat. The southern portion of the site along Leary Avenue NW is developed with the building covered by Permit No. 726483. The northern portion of the site along Leary Avenue NW is developed with a large building, portions of which it is proposed to demolish.

Proposal

The applicant proposes to demolish the western half of the northern building and to renovate the other half. The remaining half of the east building would be expanded by construction of new structure in the area of the demolition, together with construction of a new two-story section linking that addition with the westerly building. Parking on MR-zoned Lot 9 would be reconfigured to accommodate 18 parking spaces, and 6 more parking spaces would be provided under the addition all the way to Leary Avenue NW.

Public Comment

The public comment period for the proposed project ended on 31 March 2004, and no comment letters were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated 10 February 2003), a geotechnical report prepared by Shannon and Wilson and dated January 2003, and supplemental information in the project file and plans submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus a more detailed discussion of air and environmental health (noise) and traffic impacts is appropriate. These are addressed below according to whether they are short term or long term impacts.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during demolition and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (Section 25.05.794, SMC). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street

right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust from demolition to protect air quality. However, there is no permit process to ensure that PSCAA will be notified of the proposed development. Thus, project approval is conditioned upon the owner(s) and/or responsible party(s) providing documentation that PSCAA has been notified of demolition plans prior to issuance of the Master Use Permit.

Construction Noise

There will be demolition and excavation required for preparation of the building site and foundation of the new construction. Additionally, as development proceeds, noise associated with construction of the project could adversely affect the surrounding residential area. Due to the immediate proximity of residential uses to the north, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), further mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m.

This condition may be modified by DPD to allow work of an emergency nature or allow low-noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval, should it be warranted from DPD. Any requests for modification of the noise condition must be provided to DPD at least 3 working days in advance to allow for adequate review.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased bulk and scale on the site; 2) increased traffic and parking demand due to additional employees and visitors; 3) increases in airborne emissions resulting from additional traffic; 4) increases in ambient noise due to increased human activity; 5) increased demand on public services and utilities; 6) increased light and glare; and 7) increased energy consumption. These long-term impacts are not considered significant because they are minor in scope.

The long-term impacts are typical of this type of development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). Because of the location of the north parcel of land (where parking is proposed) into the MR residential zone, light and glare present potentially substantial impacts. The SEPA checklists states that glare guards will be installed on all exterior site lighting. It is not clear whether the guards so referenced will be sufficient to mitigate impacts. As a condition of approval, the owner(s) and/or responsible party(s) shall provide specifications and secure DPD approval for all exterior (yard) lighting on the MR-zoned parcel.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to issuance of the Master Use Permit

The owner(s) and/or responsible parties shall provide:

- A. Documentation that PSCAA has been notified of the proposed demolition.
- B. Specifications and secure DPD approval for all exterior (yard) lighting on the MR-zoned parcel.

Conditions of Approval During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street (alley included) abuts the site conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

The owner(s) and/or responsible parties shall adhere to the following condition:

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low-noise exterior work (e.g., installation of landscaping) after approval, if warranted from DPD. Requests for modification of this condition must be made at least 3 business days in advance of proposed work.

Signature: (signature on file) Date: May 3, 2004
Paul Janos, Land Use Planner
Department of Planning and Development